APHC010195832023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

FRIDAY, THE 27th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 10062/2023

Between:

1. N MANJUNATH REDDY, S/O.N.RAMACHANDRA REDDY, AGED 28 YEARS, OCC. STUDENT, R/O.6-49, CHIMPARAPALLI, MALENATTHAM, RAMASAMUDHRAM, CHITTOOR DISTRICT -517 417.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, THE STATE OF ANDHRA PRADESH, REP. BY PRL. SECRETARY, DEPARTMENT OF HIGHER EDUCATION, SECRETARIAT BUILDINGS, SECRETARIAT, AMARAVATHI, ANDHRA PRADESH.
2. THE REGISTRAR, S.CHAAVAN COLLEGE OF PHARMACY, JANGALAKANDRIGA VILLAGE, KRISHNA PATNAM PORT ROAD, BRAHMADEVAM TALUK, MUTHUKUR MANDAL, SPSR NELLORE DISTRICT - 524 346
3. DEPARTMENT OF SOCIAL WELFARE, STATE OF ANDHRA PRADESH, T.G.PLAZA BUILDING, TADEPALLI, IN FRONT OF MANIPAL HOSPITAL, GUNTUR, ANDHRAPRADESH STATE. R3 IS IMPLEADED AS PER THE COURT ORDER DT 04.03.2024 VIDE ORDER PASSED IN I.A.NO 01 OF 2024.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No. 2 in withholding the custody of the secondary and higher secondary certificates, provisional certificates consolidated marks memo/credit sheet, original transfer certificate B.Pharmacy and original bona-fide certificates of the petitioner in his possession as illegal, arbitrary and unconstitutional and subsequently direct the respondent no.2 to release the secondary and higher secondary certificates, provisional certificates consolidated marks memo/ credit sheet, original transfer certificate B.Pharmacy and original bona-fide certificates from his custody to the petitioner and pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the respondent no.2 to release the secondary and higher secondary certificates, provisional certificates consolidated marks memo/credit sheet, original transfer certificate B.Pharmacy and original bona-fide certificates from his custody to the petitioner and to pass

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to amend the respondent no.2 as "The Principal, S.Chaavan College of Pharmacy, Jangalakandriga Village, Krishna Patnam Port Road, Brahmadevam Taluk, Muthukur Mandal, SPSR Nellore District - 524 346" instead of "The Registrar, S.Chaavan College of Pharmacy, Jangalakandriga Village, Krishna Patnam Port Road, Brahmadevam Taluk, Muthukur Mandal, SPSR Nellore District - 524 346. and pass

IA NO: 3 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased to restore the dismissal order dated 15-11-2023 passed in WP No. 10062 of 2023 and pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to implead the proposed respondent as 3rd respondent in W.P.No. 10062 of 2023 and pass

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to recall the bailable arrest warrant order dt. 22-11-2024 and 6-12-2024 issued by this Hon’ble court in W.P No; 10062 of 2023 to arrest the petitioner herein in this lA Secretary & Correspondent S.V.Madhusudhan Reddy and further stay the arrest of the petitioner in this lA/Secretary & Correspondent S.V.Madhusudhan Reddy by the police and pass

Counsel for the Petitioner:

1. NAGESHWAR RAO PUJARI

Counsel for the Respondent(S):

1. GP FOR HIGHER EDUCATION

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N
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ORDER:

1. The Petitioner is aggrieved by the action of the respondent No.2 in retaining the original academic certificates, i.e.,SSC Certificate, Intermediate Certificate, Provisional Certificates, consolidated marks memo/credit sheet, original Transfer Certificate, B.Pharmacy and original Bonafide certificates and other documents which were submitted as per the check list at the time of admission to M.Pharmacy and demanding the petitioner to pay the Course Fee amount for returning the documents.
2. The petitioner joined M.PharmacyCourse in the second respondent-college for the academic year 2016-17 in the counselling conducted. The petitioner submitted his original academic certificates to Respondent No.2.
3. The petitioner after joining in the respondent No.2-college on account of personal issues dropped out from continuing the Course. It is submitted that the petitioner only attended the college only on the day of admission.The petitioner approached the second respondent, seeking the return of his original academic certificates. It is submitted that the second respondent has called upon the petitioner to pay the entire course fee for returning the original certificates.

4. It is submitted that the original academic certificates retained by the second respondent are the only source of livelihood for the petitioner and it is also submitted that the illogical demand of the second respondent is contrary to the University Grants Commission guidelines and that it is also a settled position of law that the colleges cannot retain the academic certificates of the students and demand payment of the course fee for returning them.
5. Learned counsel appearing for the respondent No.2 submits that the respondent No.2 college is now running under the name of Jagans Institute of Pharmaceutical Sciences. It is submitted that the petitioner has not approached the college seeking return of his original certificates. It is submitted that the petitioner has joined the Course under Fee Reimbursement Scheme and that the petitioner had completed the Course, however, the petitioner has failed to pay the fee. It is submitted that the Fee Reimbursement Scheme of the government ought to be paid on-time for maintaining and meeting the financial commitments of the staff apart from meeting the expenditure for running the institution.
6. It is submitted that this Court would have to consider the plight of the colleges as well and direct the concerned respondents to release the outstanding fee reimbursement amount.
7. In reply, the learned counsel appearing for the petitioner submits that the demand raised by the second respondent seeking payment of the

entire course fee from the petitioner for returning the academic certificates is not permissible as per the UGC guidelines and regulations.

8. Heard the learned counsel for the petitioner and the learned counsel for Respondent No.2, and perused the record.

9. The point for consideration in the present writ petition is whether the second respondent has a bona fide right to retain the original academic certificates of a student and demand payment of the course fee for returning them.

10. The University Grants Commission issued a notification in October 2018, laying down detailed instructions to curb malpractices relating to fee refunds in case of withdrawal from the program and the retention of original certificates at the time of and/or after admission. The objective of the notification issued in October, 2018 is to prohibit coercive and profiteering institutional practices in matters related to refund of fees in case of withdrawal from the program and retention of original certificates of the students. The said notification is issued in exercise of powers conferred by Section 12 sub-clause (d) read with Section 12(j) of the UGC Act 1956. The UGC issues this notification to adopt standard operating procedures for fee refunds in cases of student withdrawal from the programme and non-retention of certificates at the time of admission.

11. The notification issues a standard operating procedure for a refund of the tuition fee paid by the student if the student chooses to withdraw from the programme. The second respondent's claim for payment of the entire course fee to return for the petitioner's certificates is evidently contrary to the University Grants Commission's October 2018 notification.

12. The notification further clarified the verification and non-retention of students' academic and personal certificates. Clause 4.2.1 mandates that no higher education institution shall insist upon a student submitting the original academic and personal certificates, like mark sheets, school leaving certificates and other such documents, at the time of submitting the admission form. The submission of self-attested copies thereof shall be mandatory.

13. Clause 4.2.2: Higher educational institutions shall physically verify the originals at the time of admission of the student in his or her presence and return them immediately after satisfying themselves about their authenticity, keeping the attested copies for their record.

14. Clause 4.2.3: The self-attested certificates of students shall be held valid and authentic by the institution concerned and/or the affiliating university for all purposes and administrative requirements, and should there be a need for physical verification at any time during the course of the programme of study, such verification shall be undertaken, and the

original certificates thus used for verification shall be returned immediately to the student concerned

15. Clause 4.2.4: Taking the certificates into institutional custody under any circumstances or pretext is strictly prohibited.
16. Clause 4.2.5: In case of any suspicion over the authenticity or genuineness of the certificate, reference may be made to university, or the board which issued the certificate to the student and the admission may be subjected to authentication, but the original certificate shall not be retained by the higher education institution under any circumstances.
17. The University Grants Commission notification is categorically clear and unambiguous. Under no circumstances can the third respondent justify retaining the petitioner's academic certificates and demanding payment of the entire course fee as a condition for returning the petitioner's original academic certificates. Original academic certificates are the property of the student. They are the foundation of the student's right to pursue higher education, enroll with professional bodies and seek employment, and thus bear directly on the right to livelihood and education under Article 21 of the Constitution of India. An institution has no lien over them. Even if the College has a legitimate claim for the Tuition Fee or any other fee, withholding of certificates is not permissible as a mode of recovery. The remedy of the third respondent lies elsewhere but certainly not in the form and manner adopted by the second respondent.

18. For the aforesaid reasons, the writ petition deserves to be allowed, with a direction to the respondentNo.2 to return the petitioner's original academic certificates within a period of four weeks from the date of receipt of the order.

19. Accordingly, the writ petition is allowed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

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JUSTICE HARINATH.N

Dated 27.11.2026
KGM/RSD

THE HONOURABLE SRI JUSTICE HARINATH.N

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Dt:27.11.2026

KGM/RSD